

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

LUIS ALVARADO HICIANO,

Defendant.

25 MAG 389

COMPLAINT

Violations of
8 U.S.C. §§ 1326(a) and (b)(2)

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

Fabio Arroyave, being duly sworn, deposes and says that he is a Deportation Officer with the United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), and charges as follows:

COUNT ONE
(Illegal Reentry)

1. From at least on or about October 2, 2024, through at least in or about January 2025, in the Southern District of New York and elsewhere, LUIS ALVARADO HICIANO, the defendant, being an alien who has been denied admission, excluded, deported, and removed from the United States, and has departed the United States while an order of exclusion, deportation, and removal was outstanding, entered, and was found in, the United States, after removal that was subsequent to a conviction for commission of an aggravated felony, without having obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission.

(Title 8, United States Code, Sections 1326(a) and (b)(2).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Deportation Officer with ICE, and I have been personally involved in the investigation of this matter. This affidavit is based on my conversations with law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. From my review of criminal history records and other records maintained by ICE regarding LUIS ALVARADO HICIANO, the defendant, I have learned, among other things, the following:

a. ALVARADO is a native and citizen of the Dominican Republic. He is not and has never been a citizen of the United States.

b. On or about March 13, 1998, ALVARADO was arrested by the New York City Police Department (“NYPD”) in Manhattan (the “1998 Arrest”). The NYPD took ALVARADO’s fingerprints incident to the 1998 Arrest. As a result of the 1998 Arrest, on or about August 20, 1998, ALVARADO pleaded guilty in New York County Supreme Court of attempted criminal possession of a controlled substance in the third degree, in violation of New York Penal Law (“N.Y.P.L.”) Section 220.16(01), a class C felony (the “1998 Conviction”). ALVARADO failed to appear for sentencing and, on or about September 18, 1998, a bench warrant was issued for his arrest.

c. On or about March 27, 2002, ALVARADO was arrested by the NYPD in Manhattan (the “2002 Arrest”). The NYPD took ALVARADO’s fingerprints incident to the 2002 Arrest. On or about February 26, 2003, ALVARADO pleaded guilty in the United States District Court for the Southern District of New York to narcotics conspiracy, in violation of 21 U.S.C. § 846, and to possession with intent to distribute cocaine, in violation of 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(C) (the “2003 Conviction”). *See United States v. Luis Alvarado*, No. 02 Cr. 531 (BSJ) (S.D.N.Y.). On or about February 26, 2003, ALVARADO was sentenced to a term of imprisonment of 60 months, followed by a period of supervised release of 5 years.

d. On or about July 22, 2004, ALVARADO was sentenced in New York County Supreme Court to an indeterminate term of imprisonment of 18 months to 54 months for the 1998 Conviction.

e. On or about October 4, 2006, ALVARADO was ordered removed from the United States pursuant to an Immigration Judge’s Order (the “Removal Order”). On or about December 20, 2006, ALVARADO was removed from the United States pursuant to the Removal Order (the “2006 Removal”). ALVARADO’s fingerprints were taken incident to the 2006 Removal (the “2006 Fingerprints”).

f. On or about October 2, 2024, ALVARADO was arrested by the NYPD in the Bronx, on charges of possession of a gambling device, a class A misdemeanor in violation of N.Y.P.L. § 225.30; operating an unlicensed bottle club, a class A misdemeanor in violation New York Consolidated Laws, Alcoholic Beverage Control Law (“ABC”) Section 64-b; operating an unlicensed warehouse with liquor storage, a class A misdemeanor in violation of ABC Section 96; and the sale of alcoholic beverages without a license, a class U misdemeanor in violation of ABC Section 100 (the “2024 Arrest”). The NYPD took ALVARADO’s fingerprints incident to the 2024 Arrest (the “2024 Fingerprints”). Shortly thereafter, the charges against ALVARADO stemming from the 2024 Arrest were dismissed and the arrest was expunged.

4. Based on my examination of reports and records, I know that, on or about October 3, 2024, the 2024 Fingerprints were submitted electronically to a fingerprint database maintained by the FBI, and that the 2024 Fingerprints returned a hit on LUIS ALVARADO HICIANO, the defendant, *i.e.*, that the 2024 Fingerprints matched to ALVARADO’s 2006 Fingerprints.

5. Based on my training and experience, I know that the 2003 Conviction is an “aggravated felony” within the meaning of 8 U.S.C. §§ 1326(b)(2) and 1101(a)(43).

6. A search of all relevant Department of Homeland Security indices has confirmed that, following the 2006 Removal, LUIS ALVARADO HICIANO, the defendant, never obtained the express consent of the Attorney General of the United States, or the Secretary for the Department of Homeland Security, to reapply for admission to the United States.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of LUIS ALVARADO HICIANO, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

s/ Fabio Arroyave /otw

Fabio Arroyave
Deportation Officer
Immigration and Customs Enforcement

Sworn to me through the transmission
of this Complaint by reliable electronic
means (telephone), this 4th day of
February, 2024.


THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York